

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **David J. Brayden**)
 Serial No.: **09/386,266**)
 Filed: **August 31, 1999**) **Group Art Unit: 1615**
 For: **"METHOD FOR INDUCING A CELL-MEDIATED**) **NOT ASSIGNED**
IMMUNE RESPONSE AND IMPROVED PARENTERAL)
VACCINE FORMULATIONS THEREOF")

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner of Patents and Trademarks
 Washington, D.C. 20231
 Attention: Box Missing Parts

Sir:

This is a response to the September 23, 1999, Notice to File Missing Parts, for which a three-month extension of time is requested to February 23, 2000, pursuant to the payment of fees under 37 C.F.R. 1.17(a)(3). The Notice indicates that the oath or declaration for the above-referenced application is missing.

Applicants enclose a fully executed original of the Declaration and Power of Attorney. Applicants authorize the Commissioner to debit Deposit Account No. 05-0670 in the amount of \$130.00 to cover the fee for missing parts and \$870.00 for the three-month extension of time. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0670. *A duplicate copy of this letter is attached.*

Respectfully submitted,

 Kirsten A. Anderson, Esq.
 Registration No. 38,813

ELAN HOLDINGS INC.
 1300 Gould Drive
 Gainesville, GA 30504
 Telephone: (770) 534-8239
 Atty. Docket No.: 99.1080.US

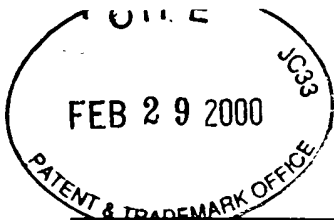
L: PATENT 1080 (parenteral vaccine) Res-MissingParts.doc

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
 Commissioner for Patents and Trademarks
 Washington, D.C. 20231
 Attention: Box Missing Parts

on this 23rd day of February, 2000.

 Donna L. Jackson



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

04/05/2000

04/01/99

HWAYIN II

10/01/99

ELAN HOLDINGS INC
1000 GOULD DRIVE
GAINEVILLE GA 30504

0240-0908

NOT ASSIGNED

1547

DATE MAILED:

04/03/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). **If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.**

If all required items on this form are filed within the period/set above, the total amount owed by applicant as a

☐ **small entity (statement filed)** ☒ **non-small entity is \$ 130.00.**

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.
\$ _____ for _____ independent claims over 3.
\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unsigned.
☒ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

09386266
00000005 050670
03/03/2000 KZENDE
130.00 CH
01 FC:105